

ORIGINAL

FILED
DISTRICT COURT OF GUAM

AUG 14 2007

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Clerk of Court

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Attorneys for the United States of America

UNITED STATES DISTRICT COURT
TERRITORY OF GUAM

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Plaintiff,

vs.

LEO PALACE RESORT,

Defendant.

CIVIL CASE NO. 06-00028

**PLAINTIFF'S MOTION TO
FILE FACSIMILE SIGNATURE**

I, Mikel W. Schwab, Assistant U.S. Attorney, hereby request the Court to accept a
facsimile copy of U.S. Equal Employment Opportunity Commission's attorney declaration and
exhibits attached hereto as Exhibit A. The original document will be delivered to the U.S.

1 Attorney's Office on Guam and filed with the Court as soon hereafter as possible.

2 Dated: August 13, 2007.

3 Respectfully submitted,

4
5 LEONARDO M. RAPADAS
6 United States Attorney
7 Districts of Guam and NMI

8
9 BY: 

10 MIKEL SCHWAB
11 Assistant U.S. Attorney
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1 Anna Y. Park, Regional Attorney
2 Derek Li, Supervisory Trial Attorney
3 Gregory McClinton Senior Trial Attorney
4 Angela D. Morrison, Trial Attorney
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13 Las Vegas, NV 89101
14 Telephone: (702)894-5072
15 Facsimile: (702)894-5094
16 E-mail: angela.morrison@eeoc.gov

17 Attorneys for Plaintiff
18 U.S. EQUAL EMPLOYMENT
19 OPPORTUNITY COMMISSION

20 **UNITED STATES DISTRICT COURT**
21 **DISTRICT OF GUAM**

22 U.S. EQUAL EMPLOYMENT
23 OPPORTUNITY COMMISSION,

24 Plaintiff,

25 v.

26 LEO PALACE RESORT,

27 Defendant.

28 JENNIFER HOLBROOK; VIVIENE
VILLANUEVA; and ROSEMARIE
TAIMANGLO,

Plaintiff-Intervenors,

v.

MDI GUAM CORPORATION d/b/a LEO
PALACE RESORT MANENGON
HILLS and DOES 1 through 10,

Defendants.

Case No.: 2:06-CV-00028

DECLARATION OF ANGELA
MORRISON IN SUPPORT OF
PLAINTIFF EEOC'S OPPOSITION
TO DEFENDANT'S ALTERNATIVE
[MOTION] TO DISMISS
EMOTIONAL DISTRESS CLAIMS;
MOTION TO EXTEND DISCOVERY
COMPLETION DEADLINE; AND
MOTION FOR INDEPENDENT
MEDICAL EXAMINATION

EXHIBIT

1 I, Angela D. Morrison, declare and state:

2 1. I am a Trial Attorney employed at the Las Vegas Local Office, Los Angeles
3 District Office of the United States Equal Employment Opportunity Commission. I have
4 personal knowledge of the facts stated herein, and if called as a witness to testify as to the
5 matters stated herein, I could and would competently do so.
6

7 2. Attached hereto as Exhibit 1 is a true and correct copy of Plaintiff EEOC's
8 Response to Defendant Leo Palace Resort's First Request for Production of Documents
9 to Plaintiff and of Plaintiff-Intervenors' Responses to Defendant's First Request for
10 Production of Documents.
11

12 3. Counsel for Defendant took the depositions of Jennifer Holbrook on March 17,
13 2007, Vivienne Villanueva on March 21, 2007, and Rosemarie Taimanglo on March 22,
14 2007; which depositions I attended.
15

16 4. Attached hereto as Exhibit 2 is a true and correct copy of a Letter dated March
17 21, 2007 from Attorney Phil Torres, counsel for Plaintiff-Intervenors, to Attorney Tim
18 Roberts, counsel for Leo Palace Resort. The letter had attached to it the medical
19 summary reports referenced within the letter but I have not attached them hereto, to
20 protect the privacy of Plaintiff-Intervenors.
21
22

23 5. On July 30, 2007, Counsel for Defendant took the depositions of Dr. Lilli
24 Perez-Iyechad and Dr. Tom Babauta, which depositions I attended.
25

26 6. EEOC has never received notice of Defendant's request for Independent
27 Medical Examination of Plaintiff-Intervenors specifying the time, place, manner,
28

1 conditions, and scope of the examination, and the person or persons by whom its to be
2 made.

3 I declare under penalty of perjury that the foregoing is true and correct. Executed
4 this 10th day of August, 2007, at Las Vegas, Nevada.
5

6
7 
8 Angela D. Morrison

Exhibit 1

1 ANNA Y. PARK, CA Bar No. 164242
DEREK LI, CA Bar No. 150122
2 GREGORY MCCLINTON, CA Bar No.153553
U.S. EQUAL EMPLOYMENT
3 OPPORTUNITY COMMISSION
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6 ANGELA D. MORRISON, NV Bar No. 9630
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10 e-mail: angela.morrison@eeoc.gov

11 Attorneys for Plaintiff
U.S. EQUAL EMPLOYMENT
12 OPPORTUNITY COMMISSION

13 UNITED STATES DISTRICT COURT
14 DISTRICT OF GUAM
15

16 U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,
17 Plaintiff,

18 Plaintiff,

19 vs.

20 LEO PALACE RESORT,

21 Defendant.

22 JENNIFER HOLBROOK; VIVIENNE
23 VILLANUEVA; and ROSEMARIE
TAIMANGLO,

24 Plaintiff-Intervenors,

25 vs.

26 LEO PALACE RESORT,

27 Defendant.
28

Case No. 1:06-CV-00028

PLAINTIFF EEOC'S RESPONSE TO
DEFENDANT LEO PALACE
RESORT'S FIRST REQUEST FOR
PRODUCTION OF DOCUMENTS TO
PLAINTIFF

1 PROPOUNDING PARTY: Defendant Leo Palace Resort
2 RESPONDING PARTY: Plaintiff U.S. Equal Employment Opportunity
3 Commission
4 SET NO: One

5 PRELIMINARY STATEMENT

6 Plaintiff has not completed its investigation relating to this action, has not
7 completed discovery and has not completed preparation for trial. As discovery proceeds,
8 facts, information, evidence, documents and things may be revealed. Plaintiff responds to
9 Defendant's First Set of Requests for Production of Documents based upon the
10 information presently known and available to it, and reserves the right to supplement or
11 modify its responses based upon subsequently discovered or acquired information and/or
12 documents. Furthermore, Plaintiff expressly reserves the right to rely on, at any time,
13 including but not limited to trial, subsequently discovered information that might be
14 contrary to its responses herein where its response is the product of error, oversight, or
15 inadvertence.

16 DOCUMENTS REQUESTED

17 REQUEST FOR PRODUCTION NO. 1:

18 All documents generated by any health care provider related to any treatment
19 received by the Claimants as a result of the incidents made the subject of suit in this civil
20 action. Leo Palace will agree to any reasonable confidentiality agreement with respect to
21 the production of these records.

22 RESPONSE NO. 1:

23 Plaintiff EEOC objects that the request for production seeks information that is not
24 reasonably calculated to lead to the discovery of admissible evidence. The EEOC also
25 objects that the request is overbroad with regard to the term "any treatment" and vague
26 with regard to the terms "incidents" and "as a result." Furthermore, the EEOC objects to
27 the extent the request seeks documents covered by the physician-patient privilege.

28 Without waiving the foregoing objections, the EEOC responds that responsive

1 documents previously have been produced with EEOC's Initial disclosures and are bates
2 stamped numbers EEOC 0054-55, and EEOC 0112 (Documents relating to Ms.
3 Holbrook), EEOC 0299, EEOC 0306, EEOC 0314, EEOC 0317, and EEOC 0319
4 (Documents relating to Ms. Villaneuva) and EEOC 0112-115, EEOC 0126, and EEOC
5 0134-135 (Documents relating to Ms. Taimanglo).

6 In addition, the EEOC responds that, after a diligent search, the EEOC does not
7 have further documents responsive to the request in its possession or under its control.
8 The individuals most likely to have possession or control of documents responsive to this
9 request are Rosemarie Taimanglo, Jennifer Holbrook, and Vivienne Villanueva, who may
10 be contacted through their counsel Mr. Phil Torres, Teker Torres & Teker P.C., Suite 2A,
11 130 Aspinall Avenue, Hagatna, Guam 96910-5018.

12 REQUEST FOR PRODUCTION NO. 2:

13 All documents evidencing the Claimants' income earned from any source for the
14 years 2001, 2002, 2003, 2004, 2005, and 2006, including their tax returns. Leo Palace
15 will agree to any reasonable confidentiality agreement with respect to the production of
16 these records.

17 RESPONSE NO. 2:

18 The EEOC objects that the request is overbroad as to time period and as to "all
19 documents." The EEOC further objects that the request is vague as to the terms "any
20 source" and "evidencing." Additionally, the EEOC objects that there is not a
21 compelling need for "tax returns" and thus they are subject to a qualified privilege.

22 Without waiving the foregoing objections, the EEOC responds that responsive
23 documents previously have been produced with EEOC's Initial Disclosures and are bates
24 stamped numbers EEOC 0056, EEOC 0058, EEOC 0061-62, and EEOC 0064-65
25 (Documents relating to Ms. Holbrook), EEOC 0201, EEOC 0302, EEOC 0307-308,
26 EEOC 0321-324, and EEOC 0329 (Documents relating to Ms. Villanueva) and EEOC
27 0098, EEOC 0116, EEOC 0121-0125, EEOC 0141-0143, and EEOC 0161 (Documents
28 relating to Ms. Taimanglo).

1 In addition, the EEOC responds that, after a diligent search, the EEOC does not
2 have further documents responsive to the request in its possession or under its control.
3 The individuals most likely to have possession or control of documents responsive to this
4 request are Rosemarie Taimanglo, Jennifer Holbrook, and Vivienne Villanueva, who may
5 be contacted through their counsel Mr. Phil Torres, Teker Torres & Teker P.C., Suite 2A,
6 130 Aspinall Avenue, Hagatna, Guam 96910-5018.

7 REQUEST FOR PRODUCTION NO. 3:

8 All documents prepared by Leo Palace's former Night Manager Gregory Perez
9 related to any of the incidents made the subject of suit in this civil action.

10 RESPONSE NO. 3:

11 The EEOC objects that the request is vague as to the term "any of the incidents."

12 Without waiving the foregoing objection, the EEOC responds that, after a diligent
13 search, the EEOC does not have documents responsive to the request in its possession or
14 under its control. The individual most likely to have possession or control of the
15 documents is Mr. Gregory Perez, whose last known address is 2016 Aamomi St., Pearl
16 City, Hawaii 96782.

17
18 Dated: February 23, 2007

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

21
22
23 BY: Angela D. Morrison

24 Angela D. Morrison

25 Attorney for Plaintiff EEOC
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PROOF OF SERVICE

I am, and was at the time the herein mentioned mailing took place, a citizen of the United States, over the age of eighteen (18) years and not a party to the above-entitled cause.

I am employed in the Legal Unit of the Los Angeles District, Las Vegas Local Office, of the United States Equal Employment Opportunity Commission.

My business address is Equal Employment Opportunity Commission, 333 S. Las Vegas Blvd., Suite 8112, Las Vegas, NV 89101.

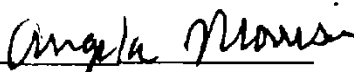
On the date that this declaration was executed, as shown below, I served the foregoing **PLAINTIFF EEOC'S RESPONSE TO DEFENDANT LEO PALACE RESORT'S FIRST REQUEST FOR PRODUCTION OF DOCUMENTS TO PLAINTIFF** by electronic mail and by regular mail, postage prepaid, at Las Vegas, County of Clark, State of Nevada to:

Phillip Torres
Teker Torres & Teker P.C.
Suite 2A, 130 Aspinall Avenue
Hagatna, Guam 96910-5018
e-mail: ptorres@tttguamlawyers.com

Tim Roberts
Dooley Roberts & Fowler, LLP
Suite 201, Ocean Pacific Plaza
865 South Marine Corps Drive
Tamuning, Guam 96913
roberts@guamlawoffice.com

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 23, 2007 at Las Vegas, Nevada.

/s/ 

Angela Morrison

TEKER TORRES & TEKER, P.C.
 SUITE 2A, 130 ASPINALL AVENUE
 HAGÄTNA, GUAM 96910
 TELEPHONE: (671) 477-9891-4
 FACSIMILE: (671) 472-2601

Attorneys for Plaintiff-Intervenors,
Jennifer Holbrook, Rosemarie
Taimanglo and Vivienne Villanueva

IN THE DISTRICT COURT OF GUAM

U.S. EQUAL EMPLOYMENT
 OPPORTUNITY COMMISSION,

Plaintiff,

vs.

LEO PALACE RESORT,

Defendant.

JENNIFER HOLBROOK,
 VIVIENE VILLANUEVA and
 ROSEMARIE TAIMANGLO,

Plaintiff-Intervenors,

vs.

MDI GUAM CORPORATION dba LEO
 PALACE RESORT MANENGGON HILLS
 and DOES 1 through 10,

Defendant.

///

CIVIL CASE NO. 06-00028

**PLAINTIFF-INTERVENORS'
 RESPONSES TO DEFENDANT'S
 FIRST REQUEST FOR
 PRODUCTION OF DOCUMENTS**

1 Plaintiff-Intervenors, JENNIFER HOLBROOK, ROSEMARIE TAIMANGLO and
2 VIVIENE VILLANUEVA, by their attorneys of record, the Law Offices of Teker, Torres &
3 Teker, P.C., responds and produces documents in accordance with Defendant Leo Palace
4 Resort's First Request for the Production of Documents as follows:

5 **PRODUCTION OF DOCUMENTS**

6 **Response to Request for Production No. 1:** Plaintiff-Intervenors have attached all
7 documents in their possession and are still compiling other documents and will
8 immediately provide those to
9 Defendant upon receipt.

10 Plaintiff-Intervenors have previously provided the psychological report for Ms.
11 Villanueva and expect to receive summary psychological reports for Ms. Holbrook and Ms.
12 Taimanglo and will immediately produce them upon receipt.

13 **Response to Request for Production No. 2:** Plaintiff-Intervenors have attached all
14 documents for employment wages, other than their employment wages at the Leo Palace
15 Resort that are in their possession. They continue to search for other relevant documents
16 and, if found, will immediately provide those to Defendant.

17 **Response to Request for Production No. 3:** Plaintiff-Intervenors are not in possession of
18 any documents prepared by Mr. Perez.

19 *Respectfully submitted* this 16th day of March, 2007.

20 **TEKER, TORRES & TEKER, P.C.**

21 By: 
22

PHILLIP TORRES, ESQ.

Attorneys for Plaintiff-Intervenors,

Jennifer Holbrook, Rosemarie

Taimanglo and Vivienne Villanueva

23
TEKER, TORRES & TEKER, P.C.
SUITE 2A, 130 ASPINALL AVENUE
HAGATNA, GUAM 96910
TELEPHONE: (621) 9891-4

Exhibit 2

LAW OFFICES

TEKER TORRES & TEKER, P.C.

Lawrence J. Teker
Phillip Torres
Samuel S. Teker
Joseph C. Razzano

Suite 2A, 130 Aspinall Avenue
Hagåtña, Guam 96910-5018
Telephone: (671) 477-9891/4
Facsimile: (671) 472-2601
Email: ptorres@tttguamlawyers.com

Of Counsel:
Nagatomo Yamaoka

March 21, 2007

VIA FACSIMILE NO.: 646-1223

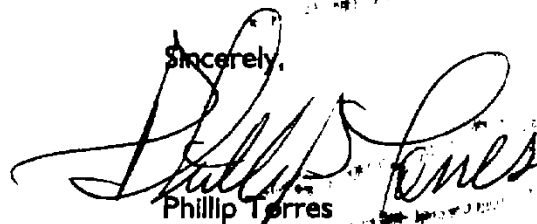
Thomas L. Roberts, Esq.
Dooley, Roberts & Fowler, LLP
865 S. Marine Corps. Dr., Ste. 201
Orlean Pacific Plaza
Tamuning, Guam 96913

Re: U.S. Equal Employment Opportunity Commission vs. Leo Palace Resort
District Court of Guam Civil Case No. 06-00028

Dear Tim:

I just received medical summary reports from Family Practice, specifically from Lili Perez-Ieychad and Tom Babauta who provided treatment to Rosemarie Taimanglo, Jennifer Holbrook and Vivienne Villanueva. I am faxing the documents along with this letter for your review. These documents along with the reports that I had previously given you regarding Vivienne Villanueva is everything I have received from these medical practitioners in response to the Authorization for Medical Records. These documents are provided as my response to request number three of your Request for Production of Documents.

Sincerely,


Phillip Torres

w/enclosures

\\COMMON\USERS\CLIENT FOLDERS\#PLEADINGS\HOLBROOK, JENNIFER - EEOC\0019 ROBERTS (7/8/07)